

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONNIE L. MCDANIEL,

Plaintiffs,

vs.

SUNRISE HOSPITAL, INC.,
NORTH VISTA HOSPITAL,
UNIVERSITY MEDICAL CENTER,
LYNEA BYLAND, FBI,
BRIAN BALDWIN,

Defendants.

2:07-cv-1731-RCJ-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter is before the Court on the failure of the Plaintiff to appear for the hearing scheduled for May 20, 2008.

The Court having reviewed this matter, makes the following findings:

1. On May 2, 2008, the Court entered an Order (#2) scheduling a status hearing on the Application for Leave to Proceed *In Forma Pauperis* (#1) for May 20, 2008.
2. Plaintiff failed to attend said hearing.
3. The Plaintiff apparently changed his address without advising the Court, in violation of LSR 2-2. *See*, Mail Returned as Undeliverable (#4).
4. Plaintiff's Complaint (Attachment 1 to Application to Proceed *In Forma Pauperis* (#1)) alleges medical malpractice and related actions regarding alleged treatment without any jurisdictional basis in federal court.

Good cause appearing therefore,


RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
DISMISSED WITH PREJUDICE.

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court on or before June 6, 2008. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 20th day of May, 2008.


ROBERT J. JOHNSTON
United States Magistrate Judge